

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 5

January 26, 1996, 6:39 p.m.
Page S-461 Temp. Record

DEFENSE AUTHORIZATION CONFERENCE REPORT/Passage

SUBJECT: Conference report to accompany the National Defense Authorization Act for fiscal year 1996 . . . S. 1124.
Agreeing to the conference report.

ACTION: CONFERENCE REPORT AGREED TO, 56-34

SYNOPSIS: The conference report to accompany S. 1124, the National Defense Authorization Act for fiscal year 1996, will authorize \$264.7 billion in total budget authority for the Department of Defense, national security programs of the Department of Energy, civil defense, and military construction accounts. This conference report is on the second defense authorization bill considered by Congress for fiscal year 1996. President Clinton vetoed the earlier bill, H.R. 1530 (see 104th Congress, 1st session, vote No. 608). This bill contains changes to the earlier bill in order to meet the President's objections. The President has indicated he will sign this bill. Changes are as follows:

- language on a National Missile Defense is completely eliminated (language on theater missile defenses, including on the demarcation point between theater (battlefield) and strategic (national) missile defenses is retained);
- language is eliminated that would have required President Clinton, before placing United States forces under United Nations' operational or tactical control, to certify that it was in the national interest to do so (President Clinton asserted that it would be an unjust infringement on his authority to limit him to placing U.S. troops under foreign command only to those occasions when it would be in the national interest);
- a mandatory requirement for the President to submit supplemental requests to pay for contingency operations (instead of taking funds from readiness and other accounts to pay for those operations) is changed to a sense-of-the-Congress statement that he should submit those requests;
- the statutory authority for the post of Director of Operational Test and Evaluation is retained (the earlier bill would have deleted this post);
- the requirement to sell the Elk Hills petroleum reserves within 1 year is changed to 2 years; and
- a requirement is added to consider costs and risks when developing submarine technology.

(See other side)

YEAS (56)			NAYS (34)			NOT VOTING (9)	
Republicans (42 or 93%)		Democrats (14 or 31%)	Republicans (3 or 7%)		Democrats (31 or 69%)	Republicans (8)	Democrats (1)
Abraham	Jeffords	Akaka	Brown	Baucus	Kerrey	Bennett ⁻²	Hollings ⁻²
Ashcroft	Kassebaum	Breaux	Hatfield	Biden	Kerry	Campbell ⁻²	
Bond	Kempthorne	Exon	McCain	Bingaman	Kohl	Coats ⁻²	
Burns	Lott	Feinstein		Boxer	Lautenberg	Domenici ⁻²	
Chafee	Lugar	Ford		Bradley	Leahy	Faircloth ⁻²	
Cochran	Mack	Graham		Bryan	Levin	Gramm ⁻²	
Cohen	McConnell	Heflin		Bumpers	Mikulski	Kyl ⁻²	
Coverdell	Murkowski	Inouye		Byrd	Moseley-Braun	Shelby ⁻²	
Craig	Nickles	Johnston		Conrad	Moynihan		
D'Amato	Pressler	Kennedy		Daschle	Murray		
DeWine	Roth	Lieberman		Dodd	Pell		
Dole	Santorum	Nunn		Dorgan	Pryor		
Frist	Simpson	Reid		Feingold	Rockefeller		
Gorton	Smith	Robb		Glenn	Sarbanes		
Grams	Snowe			Harkin	Simon		
Grassley	Specter				Wellstone		
Gregg	Stevens						
Hatch	Thomas						
Helms	Thompson						
Hutchison	Thurmond						
Inhofe	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

NOTE: Other details of S. 1124 have not changed from the earlier bill. See 104th Congress, 1st session, vote No. 608 for specific procurement, research, and other authorizations.

Those favoring passage contended:

This conference report makes numerous changes to the previous bill. In our estimation, these changes are all beneficial. All Members agree that the most substantial change is the removal of the national missile defense language. That language would have required the deployment of a missile defense system to guard the United States against limited nuclear missile attacks. Some of us are not opposed to building such a defense; others of us believe it would be a colossal waste of money to try to defend the United States against ballistic missiles. We agree, though, that it would be a mistake to proceed without first obtaining Russia's acquiescence. Any effective defense would have to be at multiple sites, and would thus be in violation of the Anti-Ballistic Missile (ABM) Treaty, which bars multiple-site ABM defenses. If the United States were to pass a bill that essentially committed it to violating the ABM treaty, Russia would be unlikely to live up to its arms control commitments to reduce its nuclear arsenal. We think it is more important to continue making progress in the dismantling of Russia's very real nuclear arsenal than it is to build an ABM system to protect against a small-scale nuclear assault.

Though Senators' attention on this conference report has been mostly focused on the few points that have been in contention, they should not lose sight of the fact that it also contains detailed instructions for the Defense Department on hundreds of items, great and small. Without these instructions, the Executive Branch would have considerably greater leeway in determining defense policy. The only guidance from Congress would be from the Defense Appropriations bill. We do not think such guidance is enough. Congress needs to retain control over defense policy through its defense authorization committees, and to do so it needs to pass defense authorization bills.

On a conference report of this scope, we are of course not completely satisfied. Many objectionable features remain. However, the report is much better than its predecessor, and on balance is meritorious. We are thus pleased to urge its adoption.

While favoring final passage, some Senators expressed the following reservations:

This conference report contains several changes from the earlier conference report in order to meet President Clinton's objections. Every one of those changes makes this report worse. The most frustrating change is the elimination of the national missile defense language. That language clearly was the greatest point of disagreement with the President, who was unwilling to compromise. In our estimation, President Clinton is shirking his constitutional responsibility to defend America by his obstinate refusal to build a defense against limited ballistic missile attacks. Over the past year we have frequently discussed in detail the growing threat that exists to the United States from erratic and extreme nations and groups that will soon have, and in some cases already may have, ballistic missiles. The likelihood that one or more of these nations or groups may launch a few missiles against the United States is large; the likelihood that Russia will launch any of the thousands of missiles that it has is tiny. We have already developed the technology that is needed to deploy an effective missile defense system within the next few years; all we need now is to deploy the protection that the American people deserve. We are sickened when we think of the millions of innocent lives that may be lost if President Clinton ultimately succeeds in stopping the deployment of a national missile defense system, and we serve notice that we are not going to let this issue die: free-standing legislation on deploying a national missile defense system will soon be considered by this Congress.

The next most offensive change is that conferees dropped the ban on the President placing United States military forces under the command and control of the United Nations unless he first certified that such a cession of authority was in the United States' national security interest. Some Senators are upset that conferees did not modify that language to be a sense-of-the-Congress statement instead of a requirement; however, we think such a modification would have been worse, because it would have implied that Congress had no right to demand that the President give Congress that certification (which is what President Clinton has falsely asserted). Congress frequently uses certification requirements as a means of exercising its oversight responsibilities, and it should not give in to Administration pressure to stop it from using this oversight tool. Just as with the missile defense language, we promise to revisit this issue in the near future.

Despite our reservations with this conference report, on balance most of the important provisions have been retained. It will still provide a much needed boost in procurement spending, it will still provide a military pay increase and an increase in the allowance for quarters, and it will still set defense policy on literally hundreds of other issues instead of leaving those legislative decisions in the hands of President Clinton. Therefore, we will vote for adoption of the conference report.

Those opposing passage contended:

Argument 1:

We had a fairly substantial list of objections to the first defense authorization conference report, including that it contained an

JANUARY 26, 1996**VOTE NO. 5**

additional \$493 million for the B-2 bomber, authorization for a third Seawolf submarine, \$777 million in earmarks for the Guards and Reserves, and a myriad of other wasteful earmarks. When the President vetoed the first bill and the Armed Services Committee began working with the Administration on a bill that would meet the President's objections, we sent a list of our concerns to the Committee, hoping that they would be addressed. Unfortunately, none of them was. At the same time, many of the President's positions which we thought were totally unwarranted were accepted in their entirety. For instance, the President objected to language on deploying a national missile defense. Instead of working out a compromise, that language was simply stricken. Similarly, language to require the President to submit a supplemental request to pay for contingency and peacekeeping costs (which is really little more than a small expansion on the current requirement for the President to submit a budget request each year), and a provision to restrict the President's ability to place U.S. military forces under the command and control of the United Nations were stricken. At the very least we think compromise language should have been adopted. We voted against the last defense authorization conference report; we will of course vote against this worse report.

Argument 2:

This conference report is better than the previous bill but it is still too objectionable for us to vote for its adoption. The main problem remains: it will spend \$7 billion more than the Pentagon requested to procure exotic, Cold-War weaponry that the United States does not need and cannot afford. Other objectionable features include that it will not allow servicewomen to have abortions at military facilities overseas and that it will require HIV-positive personnel to be discharged. We are pleased that unjust restrictions on the President, such as the limits on his ability to place U.S. forces under the command and control of the United Nations, have been removed. We are also very gratified that the provisions to protect this country with a national missile defense system have been stricken. However, even with these changes we think the conference report is unsupportable, so we urge its rejection.